

Council of the Isles of Scilly Delegated Planning Report Householder/other application

Application Number: P/20/087/FUL

Received on: 26 October 2020

UPRN: 000192001075

Application Expiry date: 4 January 2021

Neighbour expiry date: 01/12/2020

Consultation expiry date:

Site notice posted: 10 November 2020

Site notice expiry: 1 December 2020

Applicant: Mr Julian Payne
Site Address: 12 Higher Strand
Hugh Town
St Mary's
Isles of Scilly
TR21 0PT

Proposal: Removal and rebuilding of front porch to match adjoining property, replacement of ground floor front window with larger unit and alterations to dormer roof to incorporate Juliet balcony at numbers 12 & 12A Higher Strand.

Application Type: Planning Permission

Recommendation: Approve

Summary Conditions:

1. Statutory 3 year time limit
2. In accordance with approved plans
3. Submission of Site Waste Management Plan
4. Construction Hours

Pre-commencement conditions agreed: Yes (11/02/2021)

Extension of Time Agreed: Yes until 19/02/2021

Site Description and Proposed Development

Number 12 Higher Strand is a two-story semi-detached dwelling with rooms in the roof space. It has a principal elevation facing north west out on to the road of Higher Strand and St Mary's Harbour.

The building appears to be a relatively modern construction with a panted render

finish and a tile roof with upvc windows and a wider flat-roof dormer window. The supporting statement suggests the property it is of a mixed construction, originally a more traditional granite cottage which has been extensively extended with modern blockwork extensions.

The proposal includes a replacement porch, replacement and enlargement of the ground floor, front-facing window. Additionally, it is proposed to alter the existing dormer in size, bringing it forward to align with the eaves as well as alter the windows, including the installation of a French door and a Juliet balcony features. Materials are proposed to be modern fibre tiles, pvc shiplap cladding and upvc windows.

Consultations and Publicity

The application has had a site notice on display for 21 days (29/09/2020 – 0/10/2020). The application appeared on the weekly list on 5th October 2020.

Due to the nature of the proposal no external consultations are required.

Representations from Residents:

Neighbouring properties written to directly:

- Seaview Moorings, 13 Higher Strand
- 4 Rookery Flats, 11 Higher Strand
- 1 Rookery Flats, 11 Higher Strand

[0] letters of objection have been received.

[0] letters of support have been received.

Relevant Planning History:

No planning history relevant under the adopted or emerging Local Plan.

Constraints:

Historic Landscape Character Landscape Type: Settlements.

Planning Assessment

Design	YES OR NO
Would the proposal maintain the character and qualities of the area in which it is proposed?	y
Would the proposal appear in-keeping with the appearance of the existing dwelling, street and area?	y
Would the materials, details and features match the existing dwelling and be consistent with the general use of materials in the area?	y
Would the proposal leave adequate garden area and green space to	n/a

prevent the proposal appearing as an overdevelopment of the site and to ensure an adequate level of amenity?	
Is the parking and turning provision on site acceptable?	n/a
Would the proposal generally appear to be secondary or subservient to the main building?	y
Is the scale proposed in accordance with NDSS	n/a

Amenity	YES OR NO
Is the proposal acceptable with regard to any significant overlooking/loss of privacy issues?	Yes
Has the proposal been designed to respect the amenities of neighbouring properties avoiding unreasonable loss of light or an overbearing impact?	Yes
Is the proposal acceptable with regard to any significant change or intensification of use?	Yes

Heritage	YES OR NO
Would the proposal sustain or enhance the character and appearance of the Conservation Area?	y
If within the setting of, or a listed building, a) Will the development preserve the character and special architectural or historic interest of the building? b) Will the development preserve the setting of the building?	n/a
Within an Archaeological Constraint Area	n/a
Other Impacts	n/a
Does the proposal comply with Highways standing advice such that it does not adversely affect highway safety?	
Impact on protected trees a) Will this be acceptable b) Can impact be properly mitigated?	n/a
Has the proposal been designed to prevent the loss of any significant wildlife habitats or proposes appropriate mitigation where this has been demonstrated to be unavoidable?	Yes
Does the proposal conserve and enhance the landscape and scenic beauty of the AONB	No
Are the Water connection/foul or surface water drainage details acceptable?	n/a
If sited within a Critical Flood Risk Area (low lying land below the 5m datum) is the application accompanied by an acceptable Flood Risk Assessment?	n/a

Are there external lights	No
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Protected Species	YES OR NO
Does the proposal include any re-roofing works or other alteration to the roof	Yes
Does the proposal include any demolition	Yes
Does the proposal include tree or hedge removal	No
Is an assessment of impact on protected species required	Yes
Has an assessment been provided that adequately assesses the site and includes mitigation, enhancement and timing requirements	Yes
Are biodiversity enhancement measures required	No
Is a condition required to provide biodiversity enhancement measures	No

Waste Management	YES OR NO
Does the proposal generate construction waste	Yes
Does the proposal materially increase the use of the site to require additional long-term waste management facilities	No
Does the proposal include a Site Waste Management Plan	No
Is a condition required to secure a Site Waste Management Plan	Yes

Sustainable Design	YES OR NO
Does the proposal materially increase the use of the site to require additional sustainable design measures	No
Does the proposal include any site specific sustainable design measures	No
Is a condition required to secure a Sustainable Design Measures	No

Analysis: The proposed alterations to the porch, to match the neighbouring property porch, together with the alterations to the ground floor window are considered to be acceptable changes that would not result in any harm to neighbouring amenity or the wider character of the conservation area and scenic beauty of the AONB.

The site is a particularly prominent location and the alterations to the existing dormer window are considered to be particularly prominent. The enlarged dormer window will bring forward the front wall of this roof structure, so that it would become flush with the front wall of the main dwelling, with a cill line that would sit just below the eaves. This deviates away from any other examples of dormer windows in the vicinity and would make the structure appear bulky and with the addition of a Juliet balcony would appear more cluttered in the roofscape. There would not be any additional harm on the amenity of neighbouring properties, but it would detract from the wider character and appearance

of the area by adding a less-than sympathetic and bulkier roof structure in an elevated and prominent location.

Policy 1 of the adopted Isles of Scilly Local Plan seeks to ensure that all relevant future development proposals respect and protect the recognised quality of the islands' natural, archaeological, historic and built environment, they will be permitted only where, as applicable, they: (a) Conserve or enhance the natural beauty, wildlife and cultural heritage of the Area of Outstanding Natural Beauty and protect the unspoilt character and good appearance of the Heritage Coast; ... (c) Preserve or enhance the character or appearance of the Conservation Area and preserve the architectural or historic interest of all listed buildings, including their features and settings...

Policy 2 states that development will be permitted in situations where a proposal would, where practicable and appropriate, contribute to the sustainability of the islands' environment, economy or local communities through: (a) Conserving or enhancing the landscape, coastline, seascape and existing buildings of the islands through appropriate design including siting, layout, density, scale, external appearance (i.e. details and materials) and landscaping...

Policy SS1 of the emerging Isles of Scilly Local Plan (2015 – 2030) states that development proposals will be permitted where it makes they make a positive contribution to the social, economic and environmental needs of the Isles of Scilly in a manner that does not compromise the ability of future generations to meet their own needs and to enjoy the islands outstanding environment, by: a) conserving and enhancing the outstanding natural, built and historic environment;

Policy SS2 states that (1) Development will not be permitted if it is considered to be of poor or unsustainable design. New development must be of a high-quality design and contribute to the islands' distinctiveness and social, economic and environmental elements of sustainability by: a) respecting and reinforcing the character, identity and local distinctiveness of an area whilst not stifling innovation, and with the scale, density, layout, height, mass and materials responding positively to the existing townscape, landscape and seascape setting...

In order to address the harm identified the applicant has submitted an amended plan to set back the dormer window. This plan has been subject to a further 14 re-consultation. No representations have been received.

This amended plan retains the alignment of the dormer window feature and although it still proposes a larger Juliet balcony feature window, this is achieved by cutting down below the plain of the roof slope.

By virtue of the amendments to the proposed dormer window alteration it is now considered that the proposal would preserve the character of the conservation area. The proposal therefore is in accordance with the requirements of adopted Policy 1 (c) and Policy 2 (a) of the Isles of Scilly Local Plan (2005) and emerging Policy SS1 (a) and SS2 (1) a) of the Isles of Scilly Local Plan (2015 – 2030). Overall the modernisation works will result in improvements to the appearance of the building, without giving rise to issues of neighbouring amenity. It is also noted that thermal efficiency of the building will be

improved and on this basis there is no requirement to demonstrate improved sustainable design measures. It is noted that no Site Waste Management Plan has been provided and as such this is recommended as a pre-commencement condition in this case.

Overall and subject to conditions set out above the application is recommended for approval.

EIA: Due to the scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA development.

Proactive working: In accordance with guidance within the National Planning Policy Framework the Council has worked in a positive and creative way and has concluded that the application is unacceptable and would not preserve or enhance the character of the conservation area.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy: Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of December 2005, the development plan for the Isles of Scilly comprises the Isles of Scilly Local Plan 2005: a 2020 vision and following submission to the Secretary of State in September 2019 and subsequent Examination in Public significant weight is now given to the submission draft Isles of Scilly Local Plan 2015-2030.

The relevant development plan policies that have been taken into consideration are set out below:

Isles of Scilly Local Plan, adopted December 2005

Policy 1 Environmental Protection ✓

Policy 2 Sustainable Development ✓

Policy 3 Housing

Policy 4 Economic Development

Policy 5 Transport

Policy 6 Infrastructure for Sustainable Communities

Policy 7 Fish and Livestock Processing

Policy 8 Safeguard Power Station, St Mary's

Policy 9 Waste Disposal

Policy 10 Air Travel Infrastructure, St Mary's and Tresco

- Policy 11 Uninhabited Islands
- Proposal A Housing Sites St Mary's
- Proposal B Employment Land, St Mary's
- Proposal C Sport and Recreation Facilities, St Mary's
- Proposal D Quays
- Proposal E Mixed Use Development Tresco

Submission Draft Isles of Scilly Local Plan 2015-2030

Sustainable Scilly

- Policy SS1 Principles of Sustainable Development ✓*
- Policy SS2 Sustainable quality design and place-making ✓*
- Policy SS3 Re-use of Buildings
- Policy SS4 Protection of retailing, recreation and community facilities
- Policy SS5 Physical Infrastructure
- Policy SS6 Water and Wastewater Management
- Policy SS7 Flood Avoidance and Coastal Erosion
- Policy SS8 Renewable Energy Developments
- Policy SS9 Travel and Transport
- Policy SS10 Managing Movement

Outstanding Environment

- Policy OE1 Protecting and Enhancing the landscape and seascape
- Policy OE2 Biodiversity and Geodiversity
- Policy OE3 Managing Pollution
- Policy OE4 Protecting Scilly's Dark Night Skies
- Policy OE5 Managing Waste
- Policy OE6 Minerals
- Policy OE7 Development affecting heritage ✓*

Living Communities

- Policy LC1 Isles of Scilly Housing Strategy to 2030
- Policy LC2 Qualifying for Affordable Housing
- Policy LC3 Balanced Housing Stock
- Policy LC4 Staff Accommodation
- Policy LC5 Removal of Occupancy Conditions
- Policy LC6 Housing Allocations Choose an item.
- Policy LC7 Windfall Housing: Choose an item.
- Policy LC8 Replacement Dwellings and Residential Extensions ✓*
- Policy LC9 Homes in Multiple Occupation

Working Communities

- Policy WC1 General Employment Policy

Policy WC2 Home based businesses

Policy WC3 New Employment Development

Policy WC4 Alternative Uses for Business or Industrial land and buildings

Policy WC5 Safeguarding Serviced Accommodation

- *Site Waste Management Plan: Conditioned*
- *Sustainable Design Measures: N/A*
- *Biodiversity Enhancement Measures: Provided in the PEA submitted*

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Conditions for approval

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
- C2 The development hereby permitted shall be carried out in accordance with the approved details only including:
- Plan 1, Location Plan
 - Plan 2, Block Plan
 - Plan 3 Proposed Elevations, Drawing Number: SCS/IS/12ST/001 V1 Dated Jan 2021
 - Preliminary Ecological Appraisal, Ref: BS37-2020 Dated 11/11/2020 (Bat Mitigation, Enhancement and Timing of works)
- These are stamped as APPROVED.
Reason: For the clarity and avoidance of doubt and in the interests of the character and appearance of the Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast in accordance with Policy 1 of the adopted Isles of Scilly Local Plan 2005 and Policy OE1 and OE7(5) of the Submission Draft Isles of Scilly Local Plan 2015-2030.
- C3 All works involving machinery required in connection with the implementation of this permission shall be restricted to between 0800 and 1800 hours Monday to Saturdays. There shall be no works involving machinery on a Sunday or Public or Bank Holiday.
Reason: In the interests of protecting the residential amenities of neighbouring properties
- C4 Prior to the commencement of the development, hereby approved, a scheme including details of the sources of all building materials and the means/location of disposal of all demolition material and all waste arising from building works, shall be submitted to and agreed in writing with the Planning Authority. The development shall thereafter proceed in strict accordance with the approved scheme only.
Reason: This is a pre-commencement condition that requires details that were not submitted as part of the application, but are required to fully understand the measures to reduce, reuse and minimise waste as well as the impact upon landscape and

management of waste, to be submitted to and agreed in writing by the Local Planning Authority. This is to ensure those characteristics which contribute to the status of the Isles of Scilly as a Conservation Area, Area of Outstanding Natural Beauty and Heritage Coast are not eroded by unsustainable management or disposal of waste. In accordance with the requirements of Policy 1 of the Isles of Scilly Local Plan 2005 and emerging Policy SS2(2) of the Isles of Scilly Local Plan (20215-2030).

Print Name:	Lisa Walton	11/02/2021
Job Title:	Senior Officer, Planning and Development Management	
Signed:		
Authorised Officer with Delegated Authority to determine Planning Applications		

*Monitoring – Case Officer – Don't forget to complete and enter into the Monitoring Table:
Y:\Infrastructure & Planning\Planning\Monitoring\2015-2030 Local Plan Monitoring*